Present

App. F. IX-4

Previous References 1933 (Nazrat

Later References.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. ~~1~~ 4

Part B for July 34.

SUBJECT.

Appeal petition in Lamanna Setty Re S. No 75/2 Sarakki village endorsed by Dhot Dodda Rangappa in favour of Sri Banasankari Temple

Mr T. Appa Rao Advocate Bangalore City.

No 110 & 26-7-34.

WD 01965—GPB—15,000—7-7-34

Rejects the petition

petition of Mr. Somanna Sa.
re. S. No 75 of Sarakki Village endowed
by Dhobi Wodda Ranga appa in favour of Sri
and Revenue Secretariat Mrg File No. Banasankari temple. [App. F. III—2
of 1933-4

Serial No.

1

Petition duly filed by Mr T. Appa Rao Advocate on behalf of the petitioner B. Somanna Valey appealing against the order of the Muzrai Commissioner said to have been Conveyed to him through the Amildar Bangalore Taluk in the matter of S. No 75 of Sarakki Village Bangalore Taluk endowed by Dhobi Wodda Rangappa in favour of Sri Banasankari temple

(1) If the Advocate is present in time & the petition is sufficient Mem. for admission & Records called for may be ordered, & the appeal admitted & Records called for

G.V 13/11

(2) If appearance not before Called for. 2 17/11/33

Secy)

(3) M 21/11 2 22/11

Memo of forwarding portion on the P.U.D. calling for records is for time & to grahame (3) 2 22/11

G.V 22/11

Send to M.C with No 722 & 24 11/33.

NOTE—Contn. Sheet.

Sushi 22/11

Mys Appl of Sri Sanjeeva Rao
Certain land endowed to Sri Ramesvara

Mys File No. 294

Letter no 728/33-34 of 29.3.34 from the Mysore Commissioner submitting records connected with the case referred to therein

The gift deed of 10.12.1920 executed by Dodda Ramappa in favour of Sri Ramaswamy Temple is alleged to have been executed by Dodda Ramappa after 7 years after the execution of the deed, Dodda Ramappa's wife complained to the Thasildar that the deed was not genuine & was executed by her husband when he was not in his senses. From the Shanabhog of the Patel of the place on 9-6-27 & the Thasildar's report on 20.1.28 it is clear from the papers that the gift deed the Kandayam of the land was got by the Appellant on behalf of the Institution.

The Appellant has filed a statement before the R.I on 21/4/28 that after the demise of Dodda Ramappa, the Donor, the land in question had been leased out to Ramakka his wife but as she made defaults in payment of Kandayam amounts she was not continued & the land was leased out to Ramappa and Venkatappa of Sankki & the lease deed of 13.3.25 is to this effect & is to be registered. This has not been found in the records received from the M.C.

File No 2 of 193 .

Serial No	
A-	In spite of several notices served on Ramakka she did not appear before the Th authorities. Vide Amildars report of 14/11/28. One more final notice was served on 30/11/28 when she appeared before the authorities & made certain depositions but refused to attach her statement. On a recommendation from the Amildar, the S.D.O. deputed on 19.1.29 the D.C. staff the attachment of crops on the lands which found cultivated & sought assistance. Civil appln of the proposal of the S.D.O. dtd 4/2/29 - The concerned authorities visited the lands on 20/4/29 & one Basava of Ramakka had cultivated the lands. Vara [illegible] & that the lands the Rajpal were had been sold to Ramakka the Bonds before on receiving this, the order on 31/5/29 that the lands should be taken possession & given over to Panchayat Gulla. Notice Re: possession was served on Ramakka & a copy of the same also - Attempts to release out for Panchayat Gulla proved abortive, as none of the Villagers came forward with. (Vide Amildars report of 6.9.29.)
C	Re in evidence from the

NOTE—Contn. Sheet.

File No.

General and Revenue Secretariat

Vide Kuppuraju Muniandi dy 13/5/20
Thee he was given possession of land
Though he had Credited a Sum of Rs 21/- towards
the Grilla amount (being the 1st Grilla
Instalment out of 5 Yrs). It maybe held
that if the authorities had taken proceedings
Vide to give possession of the land
to Kuppuraju, Ramakka would automatically
have been forced to seek remedy,
if she so desired, in a Civil Court
instead of the appellant (who is
the sole Dharmadarsi of the deity)
being asked to seek the help of a Civil
Court. (Vide Govt Memo's opinion
dy 18/5/33).

4) On 17.10.33 the Amildar
no doubt sought other ways to evict Ramakka
from the land under Sec" 203 of L.R.C.
& thereafter in the Grilla amount
Objected by Kuppuraju. The Tasildar
sought sanction only in the case of the second
& thereafter failed to pursue the case
objection of Ramakka — Vide
No reasons have been assigned as to
why this latter was dropped altogether.

As per the records, the unused
fields from the land is utilised for the performance
of certain Seva in the Mutt of Pushpagiri.
Ramakka has admitted in her
statement dy 10/10/30 that she did conduct
a certain Utsava after her husband died

5

Suit filed by the Swamiyar of Sivaganga Vs. Collector in respect of certain land endowed for the temple of Vaya Pillayar &c.

Serial No.

All these facts do not appear & have been subsequently considered before the S.D.O. before he filed his report of 6/8/31 & obtained orders of the D.C. of 14/8/31 — When the matter went before the H.C., legal opinion was obtained on the subject & the appellant asked to seek remedy in the Civil Court.

11. This Instn is a Mosq. one & is under the management of Syed Sahib Dharmakarta besides the appellant himself.

12. For orders if the case may be posted for hearing

GS 13 Please put them 30/4

14 S. No 75 of Sanakki Village comprises The said land was endowed in favour of the temple in [illegible] by one Dorai Singaraya Mudali & [illegible] Mahar of the appeal suit file of the Munsiff's Court. The H.C. in [illegible] of 6/4/33 reversed the [illegible] on the opinion of the Law Secy that it is not necessary to formally execute the endowment before a Civil Court & held the Sole Dharmakarta (the present petitioner) may be directed to file a suit on behalf of the Instn to recover possession of the [illegible]

last portion of [illegible]

NOTE—Contn Sheet

107

No. File No. of 193 .

Serial No.

The G is of opinion that it would be desirable to leave the matter of the Sole Dharmadarsi to establish the claim in a Civil Court of his choosing. Accordingly orders were communicated to the Collr through the Tah office. It is thus open to him now to appeal against the decree in the Subordinate Judge's Court, whether the appeal is to be admitted or not is for the Court to decide.

17/5 As the Govt has passed orders after obtaining legal opinion of the G.A which was communicated to them by the file in the Law Section it is for consideration if the case is still to be posted for hearing. Perhaps the appellant may be told that Govt see no reason to ~~[illegible]~~ change the orders of the Govt. J 17/5/34

OFFICE OF THE SECOND MEMBER OF COUNCIL. 6 JUNE 1934 No. 5761

JH Secy) 2nd Mbr)

5/6/34.

11 The A-S may note on merits of the case as well, Bring [illegible]

5/6

2/6

Serial No.

17. The appellant alleges that the land in question was gifted to the Sri Banasankari temple in December 1920 by one Doddarangappa and that he was put in possession of it as sole Dharmadarsi

18. It is doubtful from the facts available whether the appellant was in possession of the land at all, for if he were, it is not possible to explain how Ramakka, widow of the donor, could have been in possession of it since the death of her husband in 1925. The mere fact that he had ~~paid~~ kandayam on the land for a number of years cannot by itself lend support to his contention. Though ~~the sale of~~ the lease-right of the land for 5 years was sold by the Revenue authorities in 1927 and confirmed by the Deputy Commissioner, the land could not be put in possession of the new lessee owing to the refusal of Ramakka to give up her right over the land which she was in possession of. In the Sub Division Officer's report dated 14-8-31 mention is made that when questioned the petitioner stated that the Donor was himself cultivating the lands and rajapal was being received from him and that there are no records to substantiate this statement. This leads to the inference that the land might not have been in the possession of the appellant as pointed out by the Sub Division Officer in his report referred to above.

The Sub Division Officer was of opinion that no interference in the matter was called for and the Deputy Commissioner agreed in this view and issued orders

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-33

Appeal of M. Somanna Setty in respect of certain lands said to be gifted to Sri Banasankari temple Sarabandepalya —

Mad. File No. of 1933. | General and Revenue Secretariat

Serial No.

are wrongly.

When an appeal against the above order was filed before the Mazra Commissioner, he obtained legal opinion, and in accordance with it ordered that the trustees/Dharmadarsi of the present appellant should be instructed to establish the temple's claim to the land in dispute in a Civil Court.

The present appeal has been preferred against the above order of the Mazra Commissioner.

The appellant contends in his petition that he was not given an opportunity by the Mazra Commissioner to substantiate his claim. In view of the legal opinion in the matter the Mazra Commissioner must have thought it unnecessary to give the petitioner a hearing.

In respect of his complaint about the previous proceedings of the Mazra Officers being ignored, it may be stated that these proceedings were taken evidently on the instant impression that the land was in the possession of the Appellant, and that they had to be given up when it was found otherwise. Real facts were

For the above reasons no useful purpose would be served by giving the appellant a hearing as suggested by the petitioner will have to be rejected on merits.

Submitted with reference to II member's minute at para 16 Report

30/6/34

II Member)

2/7/34

2/7/34

12/7/34

General and Revenue Secretariat — File No. — of 193 — [App. F. III—2

Serial No.

No 110 of 26.7.34 to the Advocate in the petition stating that Government see no reason to change the order of the Mysore Commissioner.

No 111 of 26.4.34 from B. Seetamma to the Sheristadar & Sri Ramadasaiah temple Sarakki Bangalore Taluk forwarding copy of the above letter.

No 112 of 26.4.34 to the Mysore Commissioner returning record received from him with subject and above forwarding copy of the above for information.

TYPING OFFICE GENL

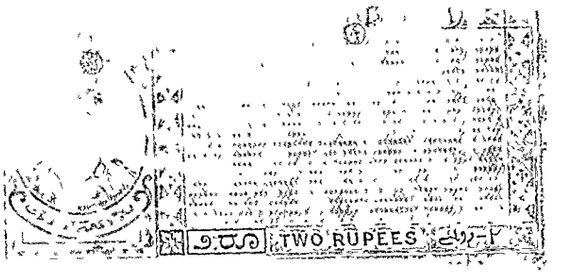
NOTE—Contn Sheet

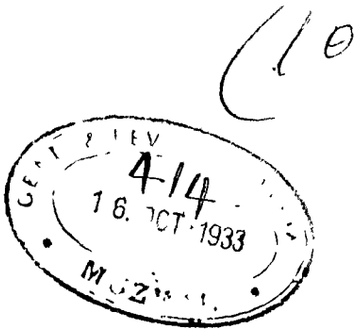
WD 0434—GPB—15,000—12 10-33

File No. of 193

General and Revenue Secretariat

Serial No.





(10

by Suryanarayana Rao
Pr. 1
16/10/33

Mez 294 33 (

Before the Government of His Highness the Maharaja of Mysore, Bangalore.

Muzrai Appeal No. 33 of 33 - 34.

Appellant:--

B. Somanna Setty, Sole Dharma Darsi of Sri Bana Sankari Temple, Bangalore City.

Under Section 38 Clause 2 of Regulation VII of 1927 the appellant respectfully appeals from the order of the Muzrai Commissioner conveyed to this appellant through the Amildar of Bangalore in the Endorsement No. 19 of 28-29 dated 11th August 1933, but served on him by Post on directing this - Appellant to have the relief sought for through the Civil Court etc.

Facts of the case briefly are:--

Doddaranganna gifted a land S.No. 75 in Sarakki village in favour of Sri Banasankari - Deity on 10th December 1920 by means of a registered deed and put the Sole Dharma Darsi in possession thereof, and this to the knowledge of the authorities. In 1927 the Revenue authorities sold the right to cultivate the land (i.e. five

years back) in 1937 for a period of 5 years and the sale was confirmed by the Deputy Commissioner on 6th May 1937.

2. The Sub Division Officer held an elaborate enquiry into the questions of lease and gift at the instance of Donor's wife and directed the widow Ramakka, in his Endorsement No.371 of 38-39 to establish her right if any, in the land which the Government had taken possession of ~~the land~~ as detailed in para supra.

3. That the Amildar served this appellant with a communication Muz.No.19 of 38-39 dated - 27-1-1938 stating that the gift had not been - accepted by Government and the Revenue authorities declined to interfere in the matter.

4. That this appellant filed an appeal on 27th May 1938 against the Exparte order of the - District Officer in his Memo No. C. L. 3434 of 31-32 dated 7-1-1938 before the Muzrai Commissioner who without even hearing the appellant or his Counsel confirms the order of the Deputy Commissioner and the present appeal is against the Exparte order in question and the grounds briefly are:--

A. That the lower Courts (Muzrai Officers) erred in Law in not giving this appellant an opportunity to substantiate the material facts connected with the gift, of the land followed by possession - by the donor Dodranganna.

B. The Revenue authorities are not justified in ignoring the previous proceedings of the

Muzrai

Muzrai officers and that to the prejudice of a public Institution for whose benefit lands are being endowed and accepted by the Sole Dharma Darsi on behalf of the Government.

C. The order in question is also ultra-virus and thus opposed to law, facts and this appellant begs he may be heard either in person or through his Counsel before orders are finally passed in the matter.

The appellant also prays that the enquiry records may be called for from the Muzrai Commissioner before whom the following documents (public) are filed for reference.

1. Copy of the order dated 6-5-27 of the ub Division Officer confirming the Sale of the five year Lease of the land.
2. Copy of Notice, dated 13-6-1929 issued to Ramakka.
3. Copy of Amildar's Endorsement dated 30-4-1927 to Ramakka.
4. Amildar's intimation No. Muz.19 of 28-29 dated 27-1-1932.
5. Copy of D.C's Apply dated 1-3-29.
6. Copy of D.C. order No. Cg - 3434 of 31-32 dated 7-1-32.

c 728/33-34 M T V S

Memorandum of Counsel for appt applicant

B. Ramanna Setty

722/Muz & 24-11-33.

Forwarded with Compliments to the Muzrai Commissioner for Submission of records connected with the Case.

By order

24/11/33

for Financial Secretary

ಎರಡು TWO RUPEES ರೂ-೨

(ಕ) ಸಬ್ ಮುನ್ಸಿಫ್ ಬೆಂಗಳೂರು ಗವರ್ನರ್‌ಮೆಂಟ್ ಕೋರ್ಟ್‌ಗೆ.

19 — ನೇ ನಂಬರು.

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್ ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

ಬಸಪ್ಪ ಬಿನ್ ಹನುಮಪ್ಪ ಶೆಟ್ಟಿ V. S.

ಮು॥ ರಾ॥ M. Krishnaram BA BL ಗೆ.
S. Suryanarayana Rao BA LLB.
Advocates, Balepet, Bangalore City.
ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖ್ಯೈರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಸಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತ್ವೈಜು, ನಗ್ದೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾರೀಖು 11-10-33 ರುಜು B. Lakshmamma Lady

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.
M. Krishnaram
S. Suryanarayana Rao
Advocate

ಸಿಕ್ಕುವ ಸ್ಥಳ:—ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ಸ್ಟಾಂಪ್ ವೆಂಡರ್ ನಂಜಪ್ಪನವರಲ್ಲಿ ದೊರೆಯುತ್ತೆ.

ಶ್ರೀ ವೆಂಕಟೇಶ ಪ್ರೆಸ್, ಬೆಂಗಳೂರು ಸಿಟಿ.

No. 728 Rec 2 files
33-34

Office of the Muzrai Commissioner in Mysore,
Bangalore dated 28th March 1934.

From

Madhava Rau, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

S. Shamanna, Esq., B.A.,
Secretary to the Government of Mysore,
Financial Department.

Sir,

With reference to your Memo No.722/Muz. dated 24-11-1933, calling for the records connected with the appeal of Mr. P. Somanna Setty, Sole Dharmadarsi of Sri Banasankari temple, Bangalore City, regarding the temple's right to the possession of S.No.75 in Sarakki village, I have the honor to forward herewith the entire records received with the Bangalore Deputy Commissioner's letter No.C3-2011/33-34 dated 17-3-1934 (copy enclosed) together with this office file No.App.2/32-33 dated 31-5-1933 and to state that action has been taken in accordance with the opinion furnished by the Government Advocate received with the General Secretary's letter No.P.6108/Law 130-32-2 dated 25-5-1933 by calling upon the Sole Dharmadarsi to establish the temple's claim in a civil court.

The petition received with our Memo is herewith returned.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

Letter No.C3-2011/33-34 dated 17-3-34 from the Deputy Commissioner, Bangalore District, to the Muzrai Commissioner in Mysore.

With reference to your Official Memorandum No.728/33-34 dated 6/9-12-33 calling for the records connected with the appeal of Mr. Somanna Setty regarding the Sri Panasankari temple's right to the possession of S.No.75 in the Sarakki village, Bangalore Taluk, I have the honor to forward herewith the records connected with the case and to state that the sole Dharmadarsi of the temple was instructed to establish the temple's claim to the land in dispute in a civil suit if he so desires as per opinion furnished by the Government Advocate (vide appeal No.2/32-33 dated 31-5-33 before the Muzrai Commissioner).

The petition received with your Official Memorandum under reply is herewith returned.

"COPY"

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

18

No. Fl. 110
Muz 294-33-4

Dated, Bangalore, 24th July 1934.

262

From

The *Financial Secretary to the Government of His Highness, the Maharaja of Mysore.*

To

Mr. T. Appu Rao, B.A., B.L.,
Advocate, Bangalore City.

Dear Sir,

With reference to petition dated 16th October 1933 filed by you on behalf of Mr. B. Somanna Setty, Sole Dharmadarsi of Sri Banasankari temple in Bangalore Taluk appealing against the orders of the Muzrai Commissioner in the matter of the ownership of S.No.75 of Sarakki Village, Bangalore Taluk, I am directed to state that Government see no reason to change the orders of the Muzrai Commissioner. The petition is therefore rejected.

Yours faithfully,

for Financial Secretary to Government.

5-5

G.R.G.5

FG—1]

CT .....

.....

.....

Section Rev 3

File No. 294-33

Serial No. 4

Diary No. of letter replied to ..... No. 110

To

General and Revenue Secretariat

( )

tne *193*

Date of issue 26/7/34

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

WD 01956—GPB—22,600—12-6-34

20 bags